IN CLEDKS OFFICE

14 16 9005 1/2

UNITED STATES DISTRICT COURT	
EASTERN DISTRICT OF NEW YORK	ζ

- X

BRENT JOMO JOSEPH RICHARDS (A36-870-484),

05 CV 1272 (ARR)

Petitioner,

NOT FOR PUBLICATION

-against-

AMENDED\_

IMMIGRATION AND CUSTOMS ENFORCEMENT,

**OPINION AND ORDER** 

Respondent.

------

ROSS, United States District Judge:

The instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging an order of deportation was filed on April 26, 2005. On May 11, 2005, Congress enacted the Real ID Act of 2005 ("the Act"), Pub. L. No. 109-13, § 106, 119 Stat. 231, which among other things, provides:

"[i]f an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed. . . "

The Act specifically states that these provisions shall take effect on the enactment date and shall apply to cases "in which the final administrative order or removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this Act."

Accordingly, this Court cannot hear the instant action and transfers it to the United States Court of Appeals for the Second Circuit, as a Petition for Review, pursuant to § 106 of

the Real ID Act of 2005. Petitioner's removal from the United States is stayed pending further order from the Court of Appeals. The Clerk of the Court shall transfer this matter to the Second Circuit and close this case.

SO ORDERED.

Allyne R. Ross

United States District Judge

Dated: June 10, 2005

Brooklyn, New York

## SERVICE LIST:

Pro Se Petitioner
Brent Jomo Joseph Richards
00A2625
Arthur Kill Corr. Fac.
2911 Arthur Kill Road
Staten Island, NY 10309

Attorney for the Respondent Margaret Kolbe United States Attorneys Office One Pierrepont Plaza 147 Pierrepont Street, 16<sup>th</sup> Floor Brooklyn, NY 11201